

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FREDERICK SPENCER,

Petitioner,

v.

JAMES PURKETT,

Respondent.

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No. 4:03CV1756 TIA

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Motion for Sanctions and several additional "requests" filed by the Petitioner. The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

On August 24, 2004, this Court ordered Petitioner to seek leave of court prior to filing additional pleadings with a statement articulating the necessity of said filing. Since that time, Petitioner has not only failed to comply with the Order, but he has continued to file a multitude of motions and requests with great frequency. Review of the record indicates that the Court has been quite lenient in not only addressing some of these "requests", which are not formal motions and do not require ruling, but also granting many of them, despite Petitioner's noncompliance with this Court's directive.

Petitioner's most recent filings include: (1) Motion for Sanctions or in the Alternate Request for Referral for Disciplinary Action; (2) Request for Evidentiary Hearing; (3) Request for Admission of Exhibits; (4) Request for Judicial Notice and Filing of Exhibits in Support of Petitioner's Traverse; (5) Request for Court Order to Respondent for Production of Documents; (6) Request for Witness Subpoenas and Subpoena Duces Tecum; (7) Request for Judicial Notice and Filing of Exhibit; (8)

Request for Judicial Notice and Filing of Exhibit; (9) Request for Permission to File Case Law Exhibits and for Judicial Notice; and (10) Request for Permission to File Motion for Summary Judgment.

Review of the pleadings indicates that requests (3), (4), (7), (8) and (9) are actually additional arguments and support for Petitioner's sixty-six page Traverse filed on December 5, 2005. Because the Court has already docketed these "requests", the Court will take notice of them. However, under Rule 5(e) of the Rules Governing Section 2254 Cases, "[t]he petitioner may submit **a reply** to the respondent's answer or other pleading within a time fixed by the judge." (emphasis added). This rule permits a reply, not several replies. The undersigned has granted petitioner sufficient opportunity to present his case to the Court such that additional pleadings, unless good cause is shown, are redundant and not authorized by law.

Request (9) is Petitioner's third attempt at filing a summary judgment motion, which the undersigned notified Petitioner was inappropriate in habeas proceedings. Therefore, the undersigned will deny this request. The Court will also deny Petitioner's remaining Motion for Sanctions, Request for Evidentiary Hearing, Request for Production of Documents, and Request for Witness Subpoenas and Subpoena Duces Tecum.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for Sanctions [Doc. #137] is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's Request for Evidentiary Hearing [Doc. #130], Request for Court Order to Respondent for Production of Documents [Doc. #139], Request for Witness Subpoenas and Subpoena Duces Tecum [Doc. #140], and Request for Permission to File

Motion for Summary Judgment [Doc. #145] are **DENIED**.

IT IS FURTHER ORDERED that Petitioner's Request for Admission of Exhibits [Doc. #136], Request for Judicial Notice and Filing of Exhibits in Support of Petitioner's Traverse [Doc. #138], Request for Judicial Notice and Filing of Exhibit [Doc. #141], Request for Judicial Notice and Filing of Exhibit [Doc. #143], and Request for Permission to File Case Law Exhibits and for Judicial Notice [Doc. #144] are **GRANTED**.

IT IS FINALLY ORDERED that the Clerk of the Court shall not file any further pleadings from Petitioner unless directed by Order of this Court upon a showing of good cause.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 1st day of February, 2006.